

TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE TOWN OF FREDERICK,  
COLORADO, FOR THE REGULATION OF TRAFFIC BY THE  
TOWN OF FREDERICK, COLORADO; ADOPTING BY  
REFERENCE THE 2009 EDITION OF THE "MODEL TRAFFIC  
CODE" REPEALING ALL ORDINANCES IN CONFLICT  
THEREWITH; AND PROVIDING PENALTIES FOR  
VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO:

Section 1. Chapter 8, Article I, Section 8-1 of the Frederick Municipal Code, entitled  
"Adoption," is hereby repealed in its entirety and re-enacted to read as follows:

**Sec. 8-1. Adoption.**

Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2009 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town of Frederick, Colorado. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Frederick, Colorado, and may be inspected during regular business hours.

Section 2. Chapter 8, Article I, Section 8-2 of the Frederick Municipal Code, entitled  
"Amendments," is hereby repealed in its entirety and re-enacted to read as follows:

**Sec. 8-2. Deletions.**

The 2009 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared inapplicable to this municipality and therefore expressly deleted:

§109(13) Low-power scooters, animals, skis, skates, and toy vehicles on highways

§114 Removal of traffic hazards

- §115(3)        Restrictions on minor drivers under eighteen year of age
- §116(3)        Restrictions for minor drivers - definitions
- §203(4)        Unsafe vehicles – spot inspections
- §220(2)(a)(b)(c)    Low-power scooters – lighting equipment – department control – use and operation.
- §225(3)        Mufflers – prevention of noise
- §227(3)        Windows unobstructed – certain materials prohibited – windshield wiper requirements
- §236(7)(8)      Child restraint systems required – definitions – exemptions
- §237(4)        Safety belt systems – mandatory use – exemptions – penalty
- §238(3)        Blue and red lights – illegal use or possession
- §239(3)        Misuse of mobile communication devices – definitions
- §240(3)        Number of license plates to be attached
- §505(5)        Longer vehicle combinations
- §607(2)(b)      Interference with official devices
- §705(3)        Operation on approach of emergency vehicles
- §707(6)        Certain vehicles must stop at railroad grade crossings
- §1105(2)(c)    Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
- §1105(8)(c)    Speed contests – speed exhibitions – aiding and facilitating – immobilization of motor vehicle – definitions
- §1208(6)        Parking privileges for persons with disabilities – applicability
- §1402(2)        Careless driving - penalty
- §1406(5)        Foreign matter on highway prohibited

- §1407(3)      Spilling loads on highways prohibited
- §1409(4)(9)    Compulsory insurance – penalty
- §1701           Municipalities – traffic offenses classified – schedule of fines
- §1702           Counties – traffic offenses classified – schedule of fines
- §1706           Juveniles – convicted – arrested and incarcerated – provisions for  
confinement
- §1709           Penalty assessment notice for traffic offenses – violations of provisions by  
officer – driver’s license
- §1710           Failure to pay penalty for traffic offenses – failure of parent or guardian to  
sign penalty assessment notice – procedures
- §1716(2)       Notice to appear or pay fine – failure to appear – penalty
- §1716(4)(b)    Notice to appear or pay fine – failure to appear – penalty
- §1717           Conviction – attendance at driver improvement school
- §1903(6)       School buses – stops – signs – passing
- §1904(3)       Regulations for school buses – regulations for discharge of passengers –  
penalty – exception
- Article II       Definitions:
  - (57)    "Motor-driven cycle"
  - (60)(a) "Motorscooter" and "motorbicycle"
  - (60)(b) "Motorized bicycle"
  - (62)    "Neighborhood electric vehicle"

Section 3.      Chapter 8, Article I, Section 8-3 of the Frederick Municipal Code, entitled “Adoption,” is hereby and enacted to read as follows:

**Sec. 8-3. Additions or Modifications.**

The said adopted Code is subject to the following additions or modifications:

(1) **Article 11: Definitions:**

(8) **"Bicycle"** means every vehicle propelled by human power applied to pedals upon which a person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen inches in diameter.

(28.5) **"Electrical assisted bicycle"** means a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding seven hundred and fifty watts of power, and a top motor-powered speed of twenty miles per hour.

(28.7) **"Electrical personal assistive mobility device"** or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(39.5) **"Golf car"** means a self-propelled vehicle not designed for operation on roadways and that has:

- (a) A design speed of less than twenty miles per hour;
- (b) At least three wheels in contact with the ground;
- (c) An empty weight of not more than one thousand three hundred pounds; and
- (d) A carrying capacity of not more than four persons.

(49.5) (a) **"Low-power scooter"** means a self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(I) A cylinder capacity not exceeding fifty cubic centimeters if powered by internal combustion; or

(II) A wattage not exceeding four thousand four hundred seventy-six if powered by electricity.

(b) "Low-power scooter" shall not include a toy vehicle, bicycle, electrical assisted bicycle, wheelchair, or any device designed to assist mobility impaired people who use pedestrian rights-of-way.

(49.6) **"Low-speed electric vehicle"** means a vehicle that:

(a) Is self-propelled utilizing electricity as its primary propulsion method;

(b) Has at least three wheels in contact with the ground;

(c) Does not use handlebars to steer; and

(d) Exhibits the manufacturer's compliance with 49 CFR 565 or displays a seventeen-character vehicle identification number as provided in 49 CFR 565.

(56) **"Motorcycle"** means every motor vehicle designed to travel on not more than three wheels in contact with the ground; except that the term does not include a farm tractor or low-power scooter.

(58) **"Motor vehicle"** means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power. "Motor vehicle" includes a neighborhood electric vehicle operated pursuant to section 42-4-111(1)(aa). For the purposes of the offenses described in sections 42-2-128, 42-4-1301, 42-4-1301.1, and 42-4-1401 for farm tractors and off-highway vehicles, as defined in section 33-14.5-101(3), C.R.S., operated on streets and highways, "motor vehicle" includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle. For the purposes of sections 42-2-127, 42-2-127.7, 42-2-128, 42-2-138, 42-2-206, 42-4-1301, and 42-4-1301.1, "motor vehicle" includes a low-power scooter.

(111)(a) **"Toy vehicle"** means any vehicle that has wheels and is not designed for use on public highways or for off-road use.

(b) **"Toy vehicle"** includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(c) **"Toy vehicle"** does not include off-highway vehicles or snowmobiles.

(121) **"Vehicle"** means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. "Vehicle" includes, without limitation, a bicycle, electric assisted bicycle, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

(2) **103(2)(b). Scope and effect of Model Traffic Code – exceptions to provisions.**

(b) For provisions of sections 1402, 1402, 1413 and 1211 of this Code which shall apply upon streets and highways and elsewhere throughout the jurisdiction.

(3) **109. Low-power scooters, animal, skis, skates, and toy vehicles on highways.**

(1) A person riding a low-power scooter upon a roadway where low-power scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Code except those provisions of this Code that, by their very nature, can have no application.

(2) A person riding a low-power scooter shall not ride other than upon or astride a permanent and regular seat attached thereto.

(3) No low-power scooter shall be used to carry more persons at one time than the number for which it is designed and equipped.

(4) No person riding upon any low-power scooter, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

(5) A person operating a low-power scooter upon a roadway shall ride as close to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or proceeding in the same direction.

(6) Persons riding low-power scooters upon a roadway shall not ride more than two abreast.

(6.5) A person under the age of eighteen years may not operate or carry a passenger who is under eighteen years of age on a low-power scooter unless the person and the passenger are wearing protective helmets in accordance with the provisions of section 1502(4.5).

(7) For the sake of uniformity and bicycle, electrical assisted bicycle, and low-power scooter safety throughout the state, the department in cooperation with the department of transportation shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle, and low-power scooter riders a digest of state regulations explaining and illustrating the rules of the road, equipment requirements, and traffic control devices that are applicable to such riders and their bicycles, electrical assisted bicycles, low-power scooters. Local authorities may supplement this digest with a leaflet describing any

additional regulations of a local nature that apply within their respective jurisdiction.

(11) Where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to and within one-fourth mile of the right-of-way of heavily traveled streets and highways, the department of transportation may, subject to the provisions of section 43-2-135, C.R.S., by resolution or order entered in its minutes, and local authorities may, where suitable bike paths, horseback trails, or other trails have been established on the right-of-way or parallel to it within four hundred fifty feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited by bicycle, electrical assisted bicycle, animal rider, animal-drawn conveyance, or other class or kind of nonmotorized traffic that is found to be incompatible with the normal and safe movement of traffic, and, upon such a determination, the department of transportation or local authority shall erect appropriate official signs giving notice thereof; except that, with respect to controlled access highways, section 42-4-1010(3) shall apply. When such official signs are erected, no person shall violate any of the instructions contained thereon.

(4) **§109.5. Low-speed electric vehicles.**

(1) A low-speed electric vehicle may be operated only on a roadway that has a speed limit equal to or less than thirty-five miles per hour; except that it may be operated to directly cross a roadway that has a speed limit greater than thirty-five miles per hour at an at-grade crossing to continue traveling along a roadway with a speed limit equal to or less than thirty-five miles per hour.

(2) No person shall operate a low-speed electric vehicle on a limited-access highway.

(5) **§117. Personal mobility devices.**

(1) A rider of an EPAMD shall have all the same rights and duties as an operator of any other vehicle under this article, except as to those provisions that by their nature have no applications.

(2) Unless prohibited under section 42-2-111(1)(cc), C.R.S., an EPAMD may be operated on a roadway in conformity with vehicle use.

(3) An EPAMD shall not be operated:

- (a) On a limited-access highway;
- (b) On a bike or pedestrian path; or
- (c) At a speed of greater than twelve and one-half miles per hour.

(6) **§205. Headlamps on motor vehicles.**

- (1) Every motor vehicle other than a motorcycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in sections 202 and 204 to 231 and part of 3 of this Code where applicable.
- (2) Every motorcycle shall be equipped with at least one and not more than two head lamps that shall comply with the requirements and limitations of sections 202 and 204 to 231 and part 3 of this Code where applicable.
- (3) Every head lamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches, to be measured as set forth in section 204(3).

(7) **§206. Tail lamps and reflectors.**

- (3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.
- (5) Every new motor vehicle sold and operated on and after January 1, 1958, upon a highway shall carry on the rear, whether as a part of the tail lamps or separately, two red reflectors; except that every motorcycle shall carry at least one reflector meeting the requirements of this section, and vehicles of the type mentioned in section 207 shall be equipped with reflectors as required in those sections applicable thereto.

(8) **§208. Stop lamps and turn signals.**

- (2) No person shall sell or offer for sale or operate on the highways any motor vehicle registered in this state and manufactured or assembled after January 1, 1958, unless it is equipped with at least two stop lamps meeting the requirements of section 215(1); except that a motorcycle manufactured or assembled after said



date shall be equipped with at least one stop lamp meeting the requirements of section 215(1).

(3) No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer, or semitrailer registered in this state and manufactured or assembled after January 1, 1958, and no person shall operate any motor vehicle, trailer, or semitrailer on the highways when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, unless it is equipped with electrical turn signals meeting the requirements of section 215(2). This subsection (3) shall not apply to any motorcycle or low-power scooter.

(9) **§210. Lamps on parked vehicles.**

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more operating lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle that is closer to passing traffic. This subsection (2) shall not apply to a low-power scooter.

(5) This section shall not apply to low-speed electric vehicles.

(10) **§211. Lamps on farm equipment and other vehicles and equipment.**

(4) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall, at all times mentioned in section 204, be equipped with two single-beam head lamps meeting the requirements of section 216 or 218, respectively, and at least one red lamp visible from a distance of not less than five hundred feet to the rear; but every such self-propelled unit of farm equipment other than a farm tractor shall have two such red lamps or, as an alternative, one such red lamp and two red reflectors visible from all distances within six hundred feet to one hundred feet when directly in front of lawful upper beams of head lamps.

(11) **§216. Multiple-beam road lights.**

(1) Except as provided in this Code, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles, other than motorcycles or low-power scooters, shall be so arranged that the driver may select at will between distributions of light projected to different elevations, and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(1.5) Head lamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted for low-speed electric vehicles in lieu of multiple-beam, road-lighting equipment specified in this section if the single distribution of light complies with paragraph (b) of subsection (1) of this section.

(2) A new motor vehicle, other than a motorcycle or low-power scooter, that has multiple-beam road-lighting equipment, shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(12) **§217. Use of multiple-beam lights.**

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 204, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(c) A low-speed electric vehicle may use the distribution of light authorized in section 216(1.5).

(13) **§220. Low-power scooters – lighting equipment – department control – use and operation.**

(1)(a) A low-power scooter when in use at the times specified in section 204 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear, of a type approved by the department, that shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light

visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a low-power scooter unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet; except that a low-power scooter shall not be equipped with nor shall any person use upon a low-power scooter a siren or whistle.

(c) A low-power scooter shall be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(14) **§221. Bicycle and personal mobility device equipment.**

(1) No other provision of this part 2 and no provision of part 3 of this Code shall apply to a bicycle, electric assisted bicycle, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, or EPAMD except those provisions in this Code made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, or EPAMD shall be equipped with a red reflector of a type approved by the department of revenue, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle or electrical assisted bicycle shall not be equipped with, nor shall any person use upon a bicycle or electrical assisted bicycle, any siren or whistle.

(7) Every bicycle or electrical assisted bicycle shall be equipped with a brake or brakes that will enable its rider to stop the bicycle or electrical assisted bicycle within twenty-five feet from a speed of ten miles an hour on dry, level clean pavement.

(8) A person engaged in the business of selling bicycles or electrical assisted bicycles at retail shall not sell any bicycle or electrical assisted bicycle unless the bicycle or electrical assisted bicycle has an identifying number permanently stamped or cast on its frame.

(15) **§223. Brakes.**

(1) Brake equipment required:

(b) Every motorcycle and low-power scooter, when operated upon a highway, shall be equipped with at least one hand brake, which may be operated by hand or foot.

(16) **§224. Horns or warning devices.**

(3) No bicycle, electrical assisted bicycle or low-power scooter shall be equipped with nor shall any person use upon such vehicle a siren or whistle.

(17) **§226. Mirrors – exterior placements.**

(2) Whenever any motor vehicle is not equipped with a rear window and rear side windows or has a rear window and rear side windows composed of, covered by, or treated with any material or component that, when viewed from the position of the driver, obstructs the rear view of the driver or makes such window or windows nontransparent, or whenever any motor vehicle is towing another vehicle or trailer or carrying any load or cargo or object that obstructs the rear view of the driver, such vehicle shall be equipped with an exterior mirror on each side so located with respect to the position of the driver so as to comply with the visual requirement of subsection (1) of this section.

(18) **§227. Windows unobstructed – certain materials prohibited – windshield wiper requirements.**

(4) This section shall apply to all motor vehicles; except that subsection (2) of this section shall not apply to low-speed electric vehicles.

(19) **§232. Minimum safety standards for motorcycles and low-power scooters.**

(1) No person shall operate any motorcycles or low-power scooter on any public highway in this municipality unless such person and any passenger thereon is wearing goggles or eyeglasses with lenses made of safety glass or plastic; except that this subsection (1) shall not apply to a person wearing a helmet containing eye protection made of safety glass or plastic.

(20) **§234. Slow-moving vehicles – display of emblem.**

(1) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear. Bicycles, electrical assisted bicycles, and other human-powered vehicles and neighborhood electric vehicles shall be permitted but not required to display the emblem specified in this subsection (1).

(21) **§237. Safety belt systems – mandatory use - exemptions.**

(1) As used in this section:

(a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes, and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(22) **§239. Misuse of a wireless telephone – definitions – penalty - preemption.**

(1) As used in this section, unless the context otherwise requires:

(a) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetrated against such a person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving reckless, careless, or otherwise unsafe manner.

(b) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(c) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(d) "Wireless telephone" means a telephone that operates without a physical, wireline connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

(2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle.

(3) A person eighteen years of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

(4) Subsections (2) or (3) of this section shall not apply to a person who is using the wireless telephone:

(a) To contact a public safety entity; or

(b) During an emergency.

(5)(a) An operator of a motor vehicle shall not be cited for a violation of subsection (2) of this section unless the operator was under eighteen years of age and a law enforcement officer saw the operator use, as defined in paragraph (c) of this subsection (1) of this section, a wireless telephone.

(b) An operator of a motor vehicle shall not be cited for a violation of subsection (3) of this section unless the operator was eighteen years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.

(7) The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

(8) This section does not restrict the operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission.

(23) **§241. Low-speed electric vehicle equipment requirements.**

A low-speed electric vehicle shall conform with applicable federal manufacturing equipment standards.

(24) **§503. Projecting loads on passenger vehicles.**

(1) No passenger-type vehicle, except a motorcycle, a bicycle, or an electrical assisted bicycle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(25) **§615. School zones – increase in penalties for moving traffic violations.**

(1) Any person who commits a traffic infraction or a traffic offense in a school zone is subject to increased penalties as provided at Frederick Municipal Code §8-7(5), as amended.

(26) **§710. Emerging from or entering alley, driveway, or building.**

(3) No person shall drive any vehicle other than a bicycle, electric assisted bicycle, or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

(27) **§713. Yielding right-of-way to transit buses – definitions - penalty.**

(1) As used in this section, unless the context otherwise requires:

(a) "Public mass transit operator" has the same meaning as in section 43-1-102(5), C.R.S.

(b) "Transit bus" means a bus operated by a public mass transit operator.

(2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:

(a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and

(b) A yield sign as described in subsection (3) of this section is displayed and illuminated on the back of the transit bus.

(3) The yield sign referred to in paragraph (b) of this subsection (2) of this section shall:

(a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and

(b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.

(4) The section does not require a public mass transit operator to install yield signs as described in subsection (3) of this section on a transit bus operated by the public mass transit operator.

(5) This section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

(28) **§802. Pedestrians' right-of-way in crosswalks.**

(3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electrical assisted bicycle, walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

(29) **§1101. Speed limits.**

(8)(g) Notwithstanding any other provision of this section, no person shall drive a low-power scooter on a roadway at a speed in excess of forty miles per hour. State and local authorities shall not authorize low-power scooters to exceed forty miles on a roadway.

(30) **§1204. Stopping, standing, or parking prohibited in specific places.**

(1)(l) At any other place where yellow or red curb markings prohibit the stopping, standing, or parking of a vehicle.

(4)(a) Paragraph (a) of subsection (1) of this section shall not prohibit persons from parking bicycles or electrical assisted bicycles on sidewalks in accordance with the provisions of section 1412(11)(a) and (11)(b).

(b) Paragraph (f) of this subsection (1) of this section shall not prohibit persons from parking two or more bicycles or electrical assisted bicycles abreast



in accordance with the provisions of section 1412(11)(d).

(c) Paragraphs (a), (c), and (d) of subsection (2) of this section shall not apply to bicycles or electrical assisted bicycles parked on sidewalks in accordance with section 1412(11)(a) and (11)(b).

(31) **§1211. Limitations on backing.**

(1) The driver of a vehicle, whether on public or private property which is used by the general public for parking purposes, shall not back the same unless such movement can be made with safety and without interfering with other vehicles or traffic.

(32) **§1401. Reckless driving.**

A person who drives a motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter in such a manner as to indicate either a wanton or willful disregard for the safety of persons or property is guilty of reckless driving. A person convicted of reckless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of section 42-2-127, C.R.S.

(33) **§1402. Careless driving.**

A person who drives a motor vehicle, bicycle, electrical assisted bicycle, or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic and use of the streets and highways and all other attendant circumstances, is guilty of careless driving. A person convicted of careless driving of a bicycle or electrical assisted bicycle shall not be subject to the provisions of section 42-2-127, C.R.S.

(34) **§1407.5. Splash guards – when required.**

(3) This section does not apply to:

(g) Bicycles or electrical assisted bicycles.

(35) **§1409. Compulsory insurance – legislative intent.**

(1) No owner of a motor vehicle or low-power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this state when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle or low-power scooter on the public highways of this state without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle or low-power scooter shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(5) Testimony of the failure of any owner or operator of a motor vehicle of low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(7) The owner of a motor vehicle or low-power scooter, upon receipt of an affirmation of insurance as described in section 42-3-113(2) and (3), C.R.S., shall sign and date such affirmation in the space provided.

(36) **§1412. Operation of bicycles and other human-powered vehicles.**

(1) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 221, and when using the streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of bicycles and electrical assisted bicycles as provided in section 42-4-111, C.R.S.

(3) No bicycle or electrical assisted bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle or electrical assisted bicycle shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5) Any person riding a bicycle or electrical assisted bicycle shall ride in the right-hand lane. When being overtaken by another vehicle, such person shall ride as close to the right-hand side as practicable. Where a paved shoulder suitable for bicycle riding or electrical assisted bicycle riding is present, persons operating

bicycles or electrical assisted bicycles shall ride on the paved shoulder. These provision shall apply, except under any of the following situations:

(a) When overtaking and passing another bicycle, electrical assisted bicycle, or vehicle proceeding in the same direction;

(6)(a) Persons operating bicycles or electrical assisted bicycles on roadways shall ride single file; except that riding no more than two abreast is permitted in the following circumstances:

(II) When riding on paths or parts of roadways set aside for the exclusive use of bicycles or electrical assisted bicycles.

(7) A person operating a bicycle or electrical assisted bicycle shall keep at least one hand on the handlebars at all times.

(8)(a) A person riding a bicycle or electrical assisted bicycle intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle or electrical assisted bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

(9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle or electrical assisted bicycle shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle or electrical assisted bicycle may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle or electrical assisted bicycle before turning and shall be given while the bicycle or electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed to control or operation of the bicycle or electrical assisted bicycle.

(10)(a) A person riding a bicycle or electrical assisted bicycle upon and along a

sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a cross walk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles or electrical assisted bicycles is prohibited by official traffic control devices or local ordinances. A person riding a bicycle or electrical assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section 802 of this Code.

(11)(a) A person may park a bicycle or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle or electrical assisted bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle or electrical assisted bicycle may be parked on the road abreast of another such bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles or electrical assisted bicycles parked anywhere on a highway shall conform to the provisions of part 11 of this Code regulating the parking of vehicles.

(12)(b) Any person riding a bicycle or electrical assisted bicycle who violates any provision of this Code other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that section 42-2-127, C.R.S., shall not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall

complete a report concerning an injury or death incident that involves a bicycle or electrical assisted bicycle on the roadways of the state, even if such accident does not involve a motor vehicle.

(14) Except as authorized by Section 42-4-111, C.R.S., the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path.

(37) **§1502. Riding on motorcycles – protective helmet.**

(4.5)(a) A person shall not operate or ride as a passenger on a motorcycle or low-power scooter on a roadway unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of motorcycles;

(38) **§1703. Parties to a crime.**

Every person who commits, conspires to commit, or aids or abets in the commission of any traffic violation, -whether a traffic infraction or a traffic offense, and whether individually or in connection with one or more other persons or as a principal, agent, or accessory, is guilty of such offense or liable for such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this Code is likewise guilty of such infraction or offense.

(39) **§1903. School buses – stops – signs - passing.**

(1)(a) The driver of a motor vehicle upon any highway, road, or street, upon meeting or overtaking from either direction any school bus that has stopped, shall stop the vehicle at least twenty feet before reaching the school bus if visual signal lights as specified in subsection (2) of this section have been actuated on the school bus. The driver shall not proceed until the visual signal lights are no longer being actuated. The driver of a motor vehicle shall stop when a school bus that is not required to be equipped with visual signal lights by subsection (2) of this section stops to receive or discharge schoolchildren.

Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

(1) It is unlawful for any person to violate any of the provisions adopted in this ordinance.

(2) Penalties for civil traffic infractions.

Upon conviction, entry of a guilty plea or a plea of *nolo contendere* to a civil traffic infraction, as defined in Section 8-102 of the Frederick Municipal Code, a fine not to exceed one thousand dollars (\$1,000.00) may be imposed by the Court. As a guide, penalties may be imposed at twenty-five dollars (\$25.00) for each point assessed on the summons and complaint.

<u>Points Assessed</u>	<u>Potential Penalty</u>
0 point violation	\$25.00
1 point violation	\$25.00
2 point violation	\$50.00
3 point violation	\$75.00
4 point violation	\$100.00
6 point violation	\$150.00
8 point violation	\$200.00
12 point violation	\$300.00

(3) Penalties for noncivil traffic offenses.

(a) Upon conviction, entry of a guilty plea or a plea of *nolo contendere*, to a traffic offense, as set forth below, any adult (person age eighteen [18] years or older) may be fined by an amount not to exceed one thousand dollars (\$1,000.00), or incarcerated for a period not to exceed one (1) year, or both.

(b) Upon conviction, entry of a guilty plea or a plea of *nolo contendere*, to a traffic offense, as set forth below, any juvenile (person under the age of eighteen [18] years) may be fined by an amount not to exceed one thousand dollars (\$1,000.00).

(c) Noncivil traffic offenses subject to penalties as set forth in subparagraphs (a) and (b) of this section (3) are as follows:

MTC 1101	speeding violations (25 – 39 mph over speed limit)	6 points
MTC 1101	speeding violations (40+ mph over speed limit)	12 points
MTC 1105	speed contest	12 points
MTC 1401	reckless driving	8 points

MTC 1413	Eluding or attempting to elude police	12 points
MTC 1903	Fail to stop for school bus	6 points
MTC 1409	Compulsory insurance	4 points

(d) Penalties for traffic infractions or offenses in a maintenance, repair or construction zone designated pursuant to Section 614 of the Model Traffic Code, 2009 edition, shall be double the penalty for such violation as set forth above.

(e) Penalties for traffic infractions or offenses that occur in a school zone shall be double the penalty for such violation as set forth above.

#### Section 5. Applications.

This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Section 1211, 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning limitations on backing, reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall not apply only to public places and ways but also throughout this municipality.

Section 6. Validity. If any part or parts of this ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

#### Section 8. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of

any article or section thereof.

Section 9. Certification.

The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED THIS  
\_\_\_\_ day of \_\_\_\_\_, 2009.

TOWN OF FREDERICK

By: \_\_\_\_\_  
Eric E. Doering, Mayor

ATTEST:

By \_\_\_\_\_  
Nanette Fornof, Town Clerk